

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Petition for Forbearance From E911
Accuracy Standards Imposed on Tier III
Carriers For Locating Wireless Subscribers
Under Rule Section 20.18(h)

Petition for Limited Forbearance and
Waiver by ACS Wireless, Inc.

WT Docket No. 02-377
CC Docket No. 94-102

Adopted: November 10, 2004

Released: November 16, 2004

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau

ORDER

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),¹ we extend by 90 days the date by which the petition requesting forbearance filed by ACS Wireless, Inc. (ACSW) shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act.²

2. On November 14, 2003, ACS Wireless, Inc. (ACSW) filed a petition seeking both a limited waiver and forbearance from the Commission's wireless Enhanced 911 (E911) Phase II rules. Section 10(a) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under section 10(a) within one year after the Commission receives it, unless the one-year period is extended by the Commission. The Commission may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of subsection 10(a).³

3. We find that additional time is necessary to consider and adequately address the

¹ 47 U.S.C. § 160(c).

² 47 U.S.C. § 160(a).

³ 47 U.S.C. § 160(c).

⁶ See 47 U.S.C. § 160(a).

ACSW petition for forbearance. The combined petition for waiver and forbearance raises issues similar to those in numerous other petitions and requests for Phase II relief filed by other small wireless carriers, including issues of how best to protect public safety and recognize the particular circumstances of small wireless carriers in rural and remote areas. While the Commission is working to address these issues, we find that additional time is needed to determine whether ACSW's petition satisfies the three-pronged test set out in Section 10(a), including whether it is consistent with the public interest.⁶

4. Accordingly, IT IS ORDERED, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331, that the initial one-year period for consideration of the ACSW petition for forbearance is extended to February 14, 2005.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Michael Wilhelm", with a stylized flourish at the end.

Michael Wilhelm
Chief, Public Safety and Critical Infrastructure
Division
Wireless Telecommunications Bureau